

FILED

DEC 04 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH ALLEN LESMEISTER, JR.,

Defendant.

CR 13-11-M-DLC-1

ORDER

Before the Court is Defendant Joseph Allen Lesmeister, Jr.'s ("Lesmeister") Unopposed Motion for Early Termination of Probation pursuant to 18 U.S.C. § 3564(c). (Doc. 134.)

On September 10, 2013, Lesmeister was sentenced to five years of probation for Possession of Stolen Firearms in violation of 18 U.S.C. § 922(j). (Doc. 80 at 2.) As of the time of his Motion, Lesmeister has served over four years of his term of probation. (Doc. 135 at 2.) Lesmeister's term of probation is set to terminate on September 9, 2018.

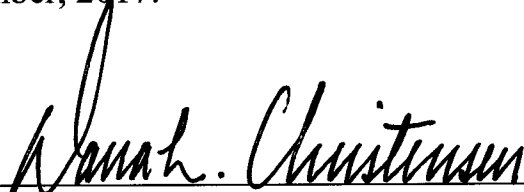
Federal law provides that a court may "terminate a term of probation previously ordered and discharge the defendant" if the court is satisfied that such action "is warranted by the conduct of the defendant and the interest of justice" and the defendant has completed at least one year of probation in the case of a

felony. 18 U.S.C. § 3564(c). Courts should consider a subset of the factors set forth in 18 U.S.C. § 3553(a) to determine whether termination of a term of probation is appropriate. *Id.*

In light of the referenced subset of section 3553(a) factors, specifically including the nature and circumstances of the offense, defendant's history and characteristics, continual employment, sobriety, and success on probation, the Court finds that Lesmeister has shown that early termination of probation is justified. Lesmeister has served four years on probation, and the interests of justice and judicial economy weigh heavily in favor of terminating the remaining time. Lesmeister has satisfactorily complied with his condition of probation and has required minimal attention from his supervising officer since the inception of his term. Moreover, Lesmeister is a productive member of society and the Court is optimistic that Lesmeister will continue to be a lawful citizen.

Accordingly, IT IS ORDERED that Lesmeister's Unopposed Motion for Early Termination of Probation (Doc. 134) is GRANTED. The term of probation imposed by this Court on September 10, 2013, is TERMINATED as of the date of this order. Lesmeister is hereby DISCHARGED from the sentence of probation in this case.

DATED this 4th day of December, 2017.



Dana L. Christensen, Chief Judge
United States District Court